



UNITED STATES PATENT AND TRADEMARK OFFICE

25
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 768,931	01/24/2001	Satoshi Kanayama	55551-CIP(1360)	3848

7590 03/05/2002

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109

EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
----------	--------------

1712

5
DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/768,931

Applicant(s)
KANAYAMA

Examiner
BUTTNER

Art Unit
1712



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☒ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: _____

The PCT priority document and the earliest Japanese priority document have not been received.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The application claims benefit to international application No. JP/99/04007 filed on July 27, 1999. Applications that are filed on or after November 29, 2000, and that claim benefit to an earlier-filed international application must include in the first sentence of the specification an indication of whether the international application was published in English under PCT Article 21(2) (regardless of whether the benefit for such application is claimed in an application data sheet). See 37 CFR 1.78(a)(2). The indication, as required by 37 CFR 1.78(a)(2), is missing. Applicant must supply the missing indication as an amendment to the specification in the reply to this Office action.

Also "unknown" should be removed from the cross reference at page 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1, 3-12 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the JO2276856 or JO 9157505 Patents

Both references blend PET with a copolyester having a minority of naphthalene dicarboxylic acid units. PET qualifies as a "transparent aromatic resin".

Claims 1 and 3-26 rejected under 35 U.S.C. 103(a) as being unpatentable over the JO 2276856 or JO9157505 Patents.

It is not clear from the abstracts if antioxidants, release agents etc. are suggested.

These are well known additives to plastics and would have been obvious additions for their known effects.

Claims 1-13, 20, 22, 23 and 25 are rejected under 35 U.S.C. 102(b, e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Harada Patent.

Harada blends copolyester with polycarbonate in a 2/98 to 95/5 into (col. 8, line 4). The polyester has 30-90% of its acid being naphthalene dicarboxylic acid (col. 3, line 30). Example 88 and comparison 25 are particularly relevant. Stabilizers (col. 5, line 16-17) can be present.

Claims 1-5, and 20-28 rejected under 35 U.S.C. 103(a) as being unpatentable over the Harada Patent in view of Allen and Hirose.

Harada does not suggest sterilizing his blend or adding radiation stabilizers.

Allen teaches (col. 2 line 26) blends of PC and copolyester can be sterilized by radiation. Also note Allen suggests naphthalene dicarboxylic acid units (col 4 line 41) in the copolyester.

Hirose teaches a certain radiation stabilizer for PC/polyester blends (col. 7 line 15-20). Furthermore, Hirose teaches other stabilizers such as phosphates (col. 6; line 5), triazines, phenols (col. 7 line 31) and ester lubricants (col. 7 line 30) are appropriate inclusions.

It would have been obvious to include any common additive to Harada's blend for the expected advantages and irradiate the final product for sterilization.

Claims 1-19 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Harada Patent in view of Mizutani.

Harada does not suggest lubricants/release agents for his PC composition.

Mizutani lists many release agents known for use with PC (col.5 lines 1-21). Use of any of these fatty acid esters and/or fatty alcohol esters would have been prima facie obvious.

Mizutani also teaches PC is radiation sterilizable with the inclusion of polyester radiation stabilizers and phosphites (col. 5 line 22).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Butter whose telephone number is (703) 308-2340. The examiner can normally be reached on weekdays from 10:00 a.m. to 5:00 p.m..

Art Unit: 1712

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

D. Buttner/dh
March 4, 2002

DAVID J. BUTTNER
PRIMARY EXAMINER

